

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
Marcus S. Bermel, et al  
  
POROUS OPTICAL SWITCH  
FILMS  
  
Serial No. 60/450,447  
  
Filed 25 February 2003

Group Art Unit:  
  
Examiner:  
  
Express Mail Label No. EV 293509757 US  
  
*September 23, 2003*  
Date:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT FOR CONSIDERATION**  
**BY THE OFFICE UNDER 37 C.F.R. 1.97-1.99**

Enclosed herewith are patents and/or publications for consideration by the Patent and Trademark Office in regard to the invention claimed in the above-described application. In compliance with §1.56, such documents are listed in the enclosed Form PTO-1449.

Applicants request that the Patent and Trademark Office make of record the above-identified documents. A full text copy of each document is attached, except for copies of U.S. patents and U.S. patent application publications. For documents not in English, an English translation or an equivalent English language patent or publication may be attached. Where a translation is not available, a concise explanation of the relevance of each document not in English is included either here or in the specification.

This Information Disclosure Statement (hereinafter "Statement") is submitted according to the following selected paragraph:

I.  This Statement is being filed under §1.97(b) within three months of the filing date of the application (other than a CPA), or before the mailing of a first Office action on the merits or before the mailing of a first Office action after the filing of a request for continued examination.

II.  This Statement is being filed under §1.97(c), with fee, **prior** to the mailing date of any of a final action, a notice of allowance or an action that otherwise closes prosecution in the application. Please charge the fee required by §1.17(p) to Eastman Kodak Company Deposit Order Account Number 05-0225. A duplicate copy of this Certification is enclosed.

III.  This Statement is being filed under §1.97(c), with a certification under, §1.97(e) **prior** to the mailing date of any of a final action, a notice of allowance or an action that otherwise closes prosecution in the application. The undersigned hereby states that (check one):

- each item of information contained in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- no item of information in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification under §1.97(e) after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Statement.

IV.  This Statement is being filed under §1.97(d), with fee and certification under §1.97(e), on or after the mailing date of either a final action, a notice of allowance (but prior to payment of the issue fee) or an action that otherwise closes prosecution in the application. Please charge the fee required by §1.17(p) to Eastman Kodak Company Deposit Order Account No. 05-0225. A duplicate copy of this Certification is enclosed. The undersigned hereby states that (check one):

- each item of information in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- no item of information in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification under §1.97(e) after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

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Enclosures

  
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FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Atty. Docket No. <b>85975SHS</b> Customer No. 01333	Serial No. <b>60/450,447</b>
If AFTER the later date of the first Office Action or 3 months from filing, use only with Rule 97(E) Certificate or Fee		Applicant: <b>Marcus S. Bermel, et al</b>	
LIST OF ART CITED BY APPLICANT <i>(Use several sheets if necessary)</i>		Filing Date <b>25 February 2003</b>	Group

U.S. PATENT DOCUMENTS						
Examiner Initial*	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2,761,791	09-04-1956	Theodore A. Russell			02-23-1955
	3,508,947	04-28-1970	Donald J. Hughes			06-03-1968
	4,113,360	09-12-1978	Guenter Baur et al.			03-28-1977
	4,584,231	04-22-1986	Henry E. Knoop			12-02-1983
	4,664,859	05-12-1987	Henry E. Knoop			01-10-1986
	5,256,357	10-26-1993	Jack hayward			05-28-1992
	5,771,321	06-23-1998	Ernest Stern			01-04-1996
	6,222,003	04-24-2001	Masahiro Hosoi et al.			06-18-1998

FOREIGN PATENT DOCUMENTS						
Examiner Initial*	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
	99/28890	06-10-1999	PCT			X

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Yves-M. Tricot, "Surfactants: Static and Dynamic Surface Tension" from LIQUID FILM COATING, Scientific Principles and Their Technological Implications, Edited by Stephan F. Kistler and Peter M. Schweizer, pages 99-136

EXAMINER	DATE CONSIDERED
<small>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>	